

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

RECEIVED**NOV 20 2001**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Amendment of Section 73.606(b)
 Table of Allotments,
 Television Broadcast Stations,
 (Richland Center, Wisconsin)

)
)
)
)
)
)

MM Docket No. _____
 RM- _____
 Facility ID No. 127339

To: Chief, Video Services Division

PETITION FOR RECONSIDERATION

Fant Broadcast Development, L.L.C. ("Fant"), by its attorneys and pursuant to Section 1.106 of the Commission's rules, hereby seeks reconsideration of an FCC staff letter dated October 23, 2001 (Reply Ref. 2-A842) ("FCC Staff Letter"), which dismissed Fant's Petition for Rulemaking, filed July 11, 2001 ("Petition"), seeking to substitute Channel 59 for the existing Channel 45 allotment at Richland Center, Wisconsin. In support of this petition, Fant shows the following:

I. Introduction

In the FCC Staff Letter, the Video Services Division dismissed Fant's Petition because it found that Fant's allotment proposal did not comply with the interference criteria contained in Section 73.623(c) of the Commission's rules. Specifically, the Division determined that Fant's proposal would cause 2.6% interference to the DTV allotment for Station WOI-DT, Channel 59, Ames, Iowa. Fant requests that the FCC Staff Letter be rescinded and that Fant's Petition be returned to pending status *nunc pro tunc* because the Division did not consider Fant's supplemental filing on May 8, 2001, which demonstrated that the proposed Channel 59 facility at Richland Center would cause less than 0.5% interference to Station WOI-DT's modified facility.

No. of Copies rec'd 0+4
 List ABCDE

Moreover, pursuant to the *Notice of Proposed Rule Making* in GN Docket No. 01-74, *Reallocation and Service Rules for the 698-746 MHz Spectrum Band (Television Channels 52-59)*, 16 FCC Rcd 7278 (2001) (“*Channel 52-59 NPRM*”), in which the Commission announced that it was going to suspend the processing of all NTSC proposals for Channel 59, Fant hereby amends its Petition to propose the substitution of Channel 53 for the existing Channel 45 allotment at Richland Center, Wisconsin. The Commission should grant Fant’s petition with this amendment.

II. Background

Fant filed an application for a construction permit for a new television station to operate on Channel 45 at Richland Center, Wisconsin on July 22, 1996 (File No. BPCT-19960722KN). Following the filing of Fant’s application, the Commission allotted DTV Channel 44 to Fond du Lac, Wisconsin.¹ Fant’s proposed operation on Channel 45 at Richland Center would have caused impermissible interference to the Channel 44 DTV facility at Fond du Lac. Accordingly, pursuant to *Public Notice*, 14 FCC Rcd 19559 (1999) (“Mass Media Bureau Announces Window Filing Opportunity for Certain Pending Applications and Allotment Petitions for New Analog TV Stations”),² on July 11, 2000, Fant filed its Petition proposing to substitute Channel 59 for the existing Channel 45 allotment at Richland Center. Subsequent to the filing of Fant’s Petition, however, the Commission issued the *Channel 52-59 NPRM* in which announced that it was suspending the processing of all pending NTSC proposals for Channel 59. The Commission stated, however, that it would provide all applicants and rulemaking petitioners

¹ See 47 C.F.R. §73.622(b).

² The amendment filing period opened on November 22, 1999 and closed on July 17, 2000. See *Public Notice*, 15 FCC Rcd 4974 (2000) (“Window Filing Period for Certain Pending Applications and Allotment Petitions for New Analog TV Stations Extended to July 15, 2000”).

with an opportunity to amend their pending NTSC proposals to specify an alternative channel below Channel 59. 16 FCC Rcd at 7292 ¶24.

Following the issuance of the *Channel 52-59 NPRM*, Fant began searching for an alternative channel to substitute for its pending Channel 59 proposal. In the process of doing so, Fant discovered for the first time that, on July 11, 2000, when Fant filed its Petition, the FCC's database did not reflect the filing of a minor modification application on April 28, 2000, by Station WOI-DT, Channel 59, Ames, Iowa (File No. BMPCDT-20000428ABD). Fant also discovered that its pending proposal for Channel 59 at Richland Center was predicted to cause 2.6% interference to Station WOI-DT. Accordingly, on May 8, 2001, Fant filed a "Petition for Leave to Amend Petition for Rule Making" in which it modified its pending allotment proposal in order to protect the facilities specified in Station WOI-DT's modification application.³

III. Fant's Petition Should be Returned to Pending Status Because the FCC Did Not Consider Fant's May 8, 2001 Supplemental Filing

As stated in Fant's supplemental filing on May 8, 2001, Fant was unaware that WOI-DT had filed a modification application because the application had not yet been entered into the FCC's database when Fant filed its Petition on July 11, 2000. Thus, Fant could not have anticipated that its Petition would need to protect WOI-DT's modified facility. Nevertheless, upon discovering the existence of the WOI-DT modification application, Fant promptly amended its Petition on May 8, 2001, in order to eliminate predicted interference to WOI-DT's modified facility. Specifically, Fant modified its directional antenna pattern so that the proposed Channel 59 facility at Richland Center would cause less than 0.5% predicted interference to Station WOI-DT.⁴ Therefore, the FCC Staff Letter dismissing Fant's Petition should be rescinded, and Fant's

³ A copy of Fant's "Petition for Leave to Amend Petition for Rule Making" is appended hereto as Appendix A.

⁴ See Appendix A, p. 2.

Petition should be returned to pending status *nunc pro tunc* because the proposed allotment of Channel 59 at Richland Center would not cause impermissible interference to Station WOI-DT.

IV. The FCC Should Substitute Channel 53 for the Existing Channel 45 Allotment at Richland Center

As stated above, the Commission expressly ruled in the *Channel 52-59 NPRM* that it would provide those applicants and rulemaking petitioners with pending NTSC proposals for Channel 59 an opportunity to amend their pending proposals to specify an alternative channel below Channel 59. 16 FCC Rcd at 7279 ¶24. Accordingly, Fant hereby amends its pending Petition to request that Channel 53 be allotted to Richland Center in lieu of Channel 59.⁵ In support of this proposal, attached hereto as Appendix B is an engineering statement by Pete Myrl Warren, III, which demonstrates that Channel 53 can be allotted to Richland Center in compliance with the interference criteria contained in Section 73.623(c) of the Commission's rules.

As shown in Mr. Warren's attached engineering statement, the proposed allotment of Channel 53 at Richland Center is short-spaced to (i) Station WMMF-TV, Channel 68 (analog), Fond du Lac, Wisconsin, by 11.2 km, and (ii) a pending application for a new NTSC station to operate on Channel 53 at Galesburg, Illinois (File No. BPCT-19951215KK) by 13.8 km. The proposed Channel 53 facility at Richland Center would operate 15 channels below Station WMMF-TV, Fond du Lac, and, therefore, is not predicted to cause any interference to WMMF-TV. Moreover, the proposed Channel 53 facility at Richland Center is not predicted to receive interference from WMMF-TV. As demonstrated in Exhibit FLR-1 to the engineering statement,

⁵ On February 26, 2001, the Commission issued a *Report and Order* in MM Docket No. 00-236, 16 FCC Rcd 4647 (Video Serv. Div. 2001), amending the DTV Table of Allotments to substitute DTV Channel 41 for the previously-assigned Channel 53 DTV allotment at La Crosse, Wisconsin. This change in the DTV Table of Allotments has made Channel 53 available for allotment to Richland Center.

the proposed Channel 53 facility at Richland Center is not predicted to cause any interference to the pending application for a new NTSC station to operate on Channel 53 at Galesburg, Illinois. Furthermore, the proposed allotment of Channel 53 at Richland Center is not short-spaced to any other NTSC, DTV, or Class A LPTV station. *See* Appendix B. Therefore, Fant respectfully requests that the Commission issue a *Notice of Proposed Rule Making* proposing to allot Channel 53 to Richland Center as that community's first local television service.

V. The Proposed Allotment of Channel 53 to Richland Center Would Provide Substantial Public Interest Benefits

As demonstrated in Fant's Petition, the proposed allotment of Channel 53 to Richland Center would provide substantial public interest benefits. First, a grant of Fant's allotment proposal would provide the community of Richland Center with its first local television service which would promote the objectives of Section 307(b) of the Communications Act of providing a fair, efficient and equitable distribution of television broadcast stations among the various states and communities.⁶ In addition, the proposed allotment will promote the second television allotment priority established in the *Sixth Report and Order* in Docket Nos. 8736 *et al.*, *Amendment of Section 3.606 of the Commission's Rules and Regulations*, 41 FCC 148, 167 (1952), of providing each community with at least one television broadcast station.

Furthermore, the proposed allotment of Channel 53 to Richland Center would:

(1) help foster the development of emerging new television networks by providing an additional competitive broadcast outlet in a top 100 television market⁷ with which to establish a primary

⁶ 47 U.S.C. §307(b). *See National Broadcasting Co. v. U.S.*, 319 U.S. 190, 217 (1943) (describing a goal of Communications Act to "secure the maximum benefits of radio to all the people of the United States"); *FCC v. Allentown Broadcasting Co.*, 349 U.S. 358, 359-62 (1955) (describing a goal of Section 307(b) to "secure local means of expression").

⁷ The Madison market currently is ranked as the 84th television market. *See Broadcasting & Cable*, p. B-204 (2001).

affiliation;⁸ (2) promote ownership diversity in the Madison television market; and, (3) increase competition in the local advertising market. Indeed, in light of the Commission's relaxation of the local television ownership rules and the increasing consolidation in the broadcast industry, the public interest benefits that would result from Fant's allotment proposal have particular significance in today's broadcast environment.

VI. Conclusion


For the reasons stated herein, the FCC Staff Letter dismissing Fant's Petition should be rescinded and Fant's Petition should be returned to pending status *nunc pro tunc* because the Commission did not consider Fant's May 8, 2001, supplemental filing which amended its Petition to protect WOI-DT's modified facility. Furthermore, in accordance with the *Channel 52-59 NPRM*, the Commission should accept Fant's amended allotment proposal seeking to substitute Channel 53 for its pending Channel 59 proposal, and commence a rulemaking proceeding proposing to allot Channel 53 to Richland Center as that community's first local television service.

WHEREFORE, in light of the foregoing, Fant Broadcast Development, L.L.C. requests that this Petition for Reconsideration be GRANTED, that its Petition for Rulemaking seeking the allotment of Channel 59 at Richland Center, Wisconsin be returned to pending status

⁸ The WB Television Network and the United Paramount Network have explained to the Commission in a variety of proceedings that one of their primary challenges in establishing themselves as a nationwide network has been finding a sufficient number of stations with which to affiliate. See, e.g., Comments of The WB Television Network, *Establishment of a Class A Television Service*, MM Docket No. 00-10 (filed Feb. 10, 2000); Comments and Reply Comments of The Warner Bros. Television Network, *Review of the Commission's Regulations Governing Programming Practices of Broadcast Television Network and Affiliates*, MM Docket No. 95-92 (filed Oct. 30, 1995, Nov. 27, 1995); Reply Comments of The Warner Bros. Television Network, *Reexamination of The Policy Statement in Comparative Broadcast Hearings*, GC Docket No. 92-52 (filed Aug. 22, 1994); Comments of the UPN, *Review of the Commission's Regulations Governing Programming Practices of Broadcast Television Networks and Affiliates*, MM Docket No. 95-92 at 21-22 (filed Oct. 30, 1995).

nunc pro tunc, and that the Commission allot Channel 53 in lieu of Channel 59 to Richland Center as that community's first local television service.

Respectfully submitted,

By: _____

Dean R. Brenner
CRISPIN & BRENNER, P.L.L.C.
1156 15th Street, N.W.
Suite 1105
Washington, D.C. 20005
(202) 828-0155
Attorney for Fant Broadcast Development, L.L.C.

Dated: November 20, 2001

APPENDIX A

**Copy of Fant's "Petition for Leave to Amend
Petition for Rule Making," filed May 8, 2001**

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED

MAY - 8 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In The Matter Of)

Amendment of Section 73.606 (b))

Table of Allotments)

Television Broadcast Stations)

(Richland Center, Wisconsin))

MM Docket No. _____

RM No. _____

PETITION FOR LEAVE TO AMEND PETITION FOR RULE MAKING

Fant Broadcast Development, L.L.C. ("Fant"), by its attorneys, hereby requests leave to amend its Petition for Rule Making, which Fant filed on July 11, 2000. Fant's petition sought to amend the TV Table of Allotments to change the allotment of Channel 45+, Richland Center, WI to Channel 59.¹ Unfortunately, however, at the time that Fant filed its petition, the FCC data base did not reflect an minor modification application which was filed on April 28, 2000 by the permittee of DTV Channel 59, Ames, IA, Capital Communications Company, Inc. ("Capital"). Operation on NTSC Channel 59 at Richland Center as proposed by Fant would cause 2.6% interference to Capital's DTV station on Channel 59 at Ames, which is well above the Commission's .5% de minimis standard.

Consequently, Fant requests leave to submit this amendment to its petition for rule making, which as shown in the attached Engineering Statement of WES, Inc. cures the defect in

¹Fant had filed an application in 1996 for Channel 45 in Richland Center, WI, but operation on NTSC Channel 45 would have caused unacceptable interference to DTV Channel 44, Fond du Lac, WI

its proposal caused by the Ames application, which as noted above was not in the FCC's data base at the time Fant filed its petition.

Fant proposes that the allotment of NTSC Channel 59 to Richland Center be made specifying a peanut antenna with main lobes oriented at 135 and 315 degrees. As shown in the attached Engineering Statement, in Exhibits ANT-1 and FLR-3-NEW, with the foregoing antenna, the interference from NTSC Channel 59, Richland Center to DTV Channel 59, Ames would be less than .5% and, therefore, would be considered negligible and acceptable by the Commission.

Fant understands that under the Notice of Proposed Rule Making, FCC 01-91, released March 28, 2001 ("NPRM"), the Commission suspended the processing of all Channel 59 NTSC proposals. However, in that NPRM, the Commission stated that it would permit "limited amendments to specify another channel, if available." NPRM at ¶24. Thus, Fant is submitting the instant amendment, out of an abundance of caution, to ensure that it is afforded the opportunity to amend its NTSC Channel 59 proposal to specify another channel, in accordance with paragraph 24 of the NPRM.

Good cause supports this request for leave to submit the instant amendment. Fant was unaware of the filing of the Ames application because it was not in the FCC's data base. Fant is attempting to bring the first local commercial television service to Richland Center. In 1986, the Commission concluded that the public interest would be served by an allotment of the first local commercial television service to Richland Center on channel 45. Richland Center, 1986 FCC Lexis 3384 (May 23, 1986). Fant asks that it be permitted to amend its proposal to bring this worthwhile service to Richland Center.

Moreover, Fant has indicated a willingness to affiliate with the WB Television Network if it obtains the construction permit for the proposed Richland Center station. Longstanding Commission policy favors fostering the development of additional television networks. See, e.g., VHF-Drop-In Proceeding, 81 FCC 2d 233, 253 (1980). Thus, the public interest strongly favors permitting Fant to amend its petition as requested herein.

Wherefore, Fant Broadcast Development, L.L.C. respectfully requests that the Commission accept the foregoing amendment to its petition for rule making to make the necessary changes to Fant's proposal to change the allotment of the first commercial television service to Richland Center, WI.

Respectfully submitted,

By:



Dean R. Brenner
CRISPIN & BRENNER, P.L.L.C.
1156 15th Street, N.W.
Suite 1105
Washington, D.C. 20005
(202) 828-0155
Attorney for Fant Broadcast Development, L.L.C.

Dated: May 8, 2001

WES, INC.
6200 Valeria Ln.
El Paso, TX 79912

505-589-2224

May 3, 2001

ENGINEERING STATEMENT TO SUPPORT
AMENDMENT TO PETITION FOR RULEMAKING
FOR RICHLAND CENTER, WI CHANNEL 59

WES, INC.

Narrative Statement

I. GENERAL

This engineering report has been prepared on behalf of Fant Broadcast Development, L.L.C. in support of its request to allot Channel 59 to Richland Center, WI.

II. ENGINEERING DISCUSSION

The applicant originally applied for a construction permit for channel 45 in Richland Center, WI. The applicant was precluded from going on channel 45 due to interference to Fond Du Lac, WI, digital channel 44, as stated in the Petition for Rulemaking filed July 11th, 2000. While the applicant is sufficiently spaced to the Ames, IA co-channel DTV allotment, the FCC's staff has stated that Richland Center, WI Channel 59 will now cause 2.6% interference to Ames, IA, which is well above the 0.5% de-minimus standard. This is a result of the maximization application of Ames, IA DTV. The interference is now demonstrated to be less than 0.5% utilizing a peanut antenna with main lobes oriented at 135 and 315 degrees as shown in Exhibits ANT-1 and FLR-3-NEW running the FCC's OET 69 FLR program.

DTV Allocation Situation

There are three digital stations within the required 429 kilometer study distance that required extensive study to determine whether or not they would cause or receive interference from the proposed Channel 59 allotment in Richland Center, WI. The attached exhibits FLR-1 NEW, FLR-2-NEW, And FLR-3-NEW demonstrate what interference Appleton, WI DTV 59, Aurora, IL DTV 59, and Ames, IA DTV 59 receive at present and with the addition of Richland Center, Wisconsin, Channel 59. The interference accepted by each of these stations is less than 0.5% and is therefore considered negligible and acceptable.

III. Summary


The Petitioner must now modify the current pattern and antenna to eliminate unacceptable interference to Ames, IA Channel 59, as well as continuing to protect the other surrounding co-channel DTV Allotments.

Wes, Inc.

DECLARATION

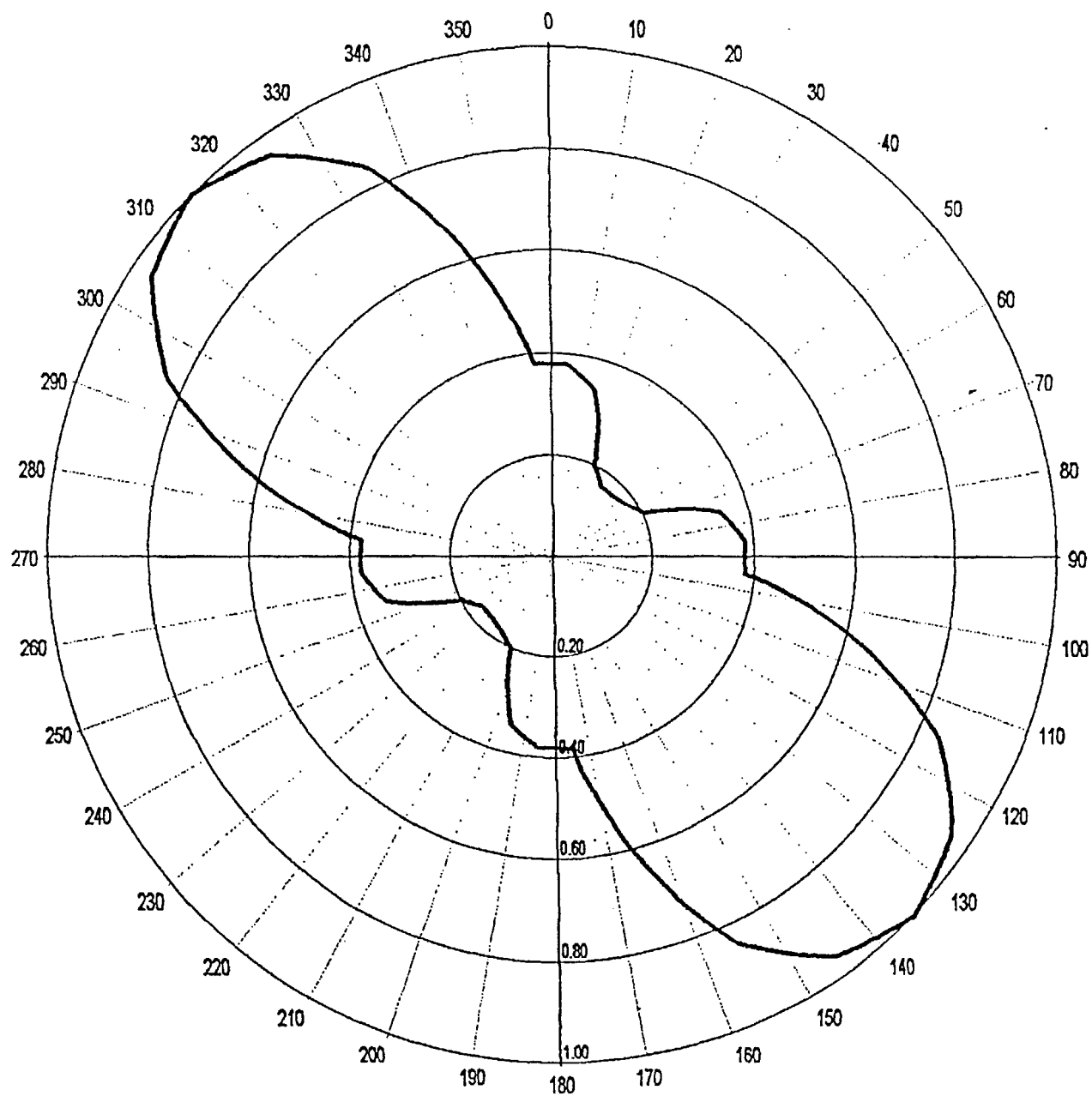
I, Pete E Myrl Warren, III, declare and state that I am a Certified Broadcast Engineer, by the National Association of Radio and Telecommunications Engineers, and my qualifications are a matter of record with the Federal Communications Commission, and that I am an engineer in the firm of Wes, Inc., and that the firm has been retained to prepare an engineering statement on behalf of Fant Broadcasting Development, L.L.C.

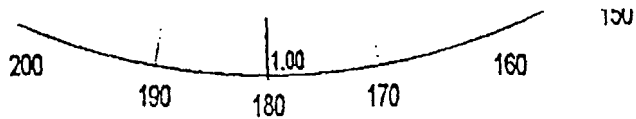
All facts contained herein are true to my knowledge except where stated to be on information or belief, and as to those facts, I believe them to be true. All Exhibits were prepared by me or under my supervision. I declare under penalty of perjury that the foregoing is true and correct.



Pete E Myrl Warren, III

Executed on the 3rd day of May, 2001





05/03/01

THU 11:44 FAX 5055892225

WES INC

1

0007

Azim	Rel.FS	ERP (kW)	dBk
0.0	0.380	722.000	28.585
5.0	0.380	722.000	28.585
10.0	0.360	648.000	28.116
15.0	0.340	578.000	27.619
20.0	0.270	364.500	25.617
25.0	0.200	200.000	23.010
30.0	0.165	171.125	22.333
35.0	0.170	144.500	21.599
40.0	0.170	144.500	21.599
45.0	0.170	144.500	21.599
50.0	0.175	153.125	21.850
55.0	0.180	162.000	22.095
60.0	0.190	180.500	22.365
65.0	0.200	200.000	23.010
70.0	0.270	364.500	25.617
75.0	0.340	578.000	27.619
80.0	0.360	648.000	28.116
85.0	0.380	722.000	28.585

Azim	Rel.FS	ERP (kW)	dBk
90.0	0.380	722.000	28.585
95.0	0.380	722.000	28.585
100.0	0.495	1225.125	30.882
105.0	0.610	1860.500	32.696
110.0	0.725	2628.125	34.196
115.0	0.840	3528.000	35.475
120.0	0.900	4050.000	36.075
125.0	0.960	4608.000	36.635
130.0	0.980	4802.000	36.814
135.0	1.000	5000.000	36.990
140.0	0.980	4802.000	36.814
145.0	0.960	4608.000	36.635
150.0	0.900	4050.000	36.075
155.0	0.840	3528.000	35.475
160.0	0.725	2628.125	34.196
165.0	0.610	1860.500	32.696
170.0	0.495	1225.125	30.882
175.0	0.380	722.000	28.585

Azim	Rel.FS	ERP (kW)	dBk
180.0	0.380	722.000	28.585
185.0	0.380	722.000	28.585
190.0	0.360	648.000	28.116
195.0	0.340	578.000	27.619
200.0	0.270	364.500	25.617
205.0	0.200	200.000	23.010
210.0	0.190	180.500	22.565
215.0	0.180	162.000	22.095
220.0	0.175	153.125	21.850
225.0	0.170	144.500	21.599
230.0	0.170	144.500	21.599
235.0	0.170	144.500	21.599
240.0	0.185	171.125	22.333
245.0	0.200	200.000	23.010
250.0	0.270	364.500	25.617
255.0	0.340	578.000	27.619
260.0	0.360	648.000	28.116
265.0	0.380	722.000	28.585

Azim	Rel.FS	ERP (kW)	dBk
270.0	0.380	722.000	28.585
275.0	0.380	722.000	28.585
280.0	0.495	1225.125	30.882
285.0	0.610	1860.500	32.696
290.0	0.725	2628.125	34.196
295.0	0.840	3528.000	35.475
300.0	0.900	4050.000	36.075
305.0	0.960	4608.000	36.635
310.0	0.980	4802.000	36.814
315.0	1.000	5000.000	36.990
320.0	0.980	4802.000	36.814
325.0	0.960	4608.000	36.635
330.0	0.900	4050.000	36.075
335.0	0.840	3528.000	35.475
340.0	0.725	2628.125	34.196
345.0	0.610	1860.500	32.696
350.0	0.495	1225.125	30.882
355.0	0.380	722.000	28.585

NEW DATA 241.0 2401

Exhibit FLR-1-NEW
Richland Center, WI 59
April 21, 2001

Fortran Longley-Rice Interference Study
by WES, Inc. Broadcast Consultants

Study without Richland Center Channel 59:

Run begins Sat Apr 21 14:01:09 2001, host shiloah

Analysis of: 59A IL AURORA

HAAT 509.0 m, ATV ERP 200.0 kW

	POPULATION	AREA (sq km)
within Noise Limited Contour	8333724	24509.3
not affected by terrain losses	8333360	24501.2
lost to NTSC IX	55	12.0
lost to additional IX by ATV	21395	204.8
lost to ATV IX only	21395	204.8
lost to all IX	21450	216.9

Finished Sat Apr 21 14:08:55; run time 0:07:26

26136 calls to Longley-Rice; path distance increment 1.00 km

Study with Richland Center included with an ACI Custom Peanut
Pattern oriented at 135 degrees and 5,000 kW:

Run begins Sat Apr 21 13:48:35 2001, host shiloah

Analysis of: 59A IL AURORA

HAAT 509.0 m, ATV ERP 200.0 kW

	POPULATION	AREA (sq km)
within Noise Limited Contour	8333724	24509.3
not affected by terrain losses	8333360	24501.2
lost to NTSC IX	1899	80.3
lost to additional IX by ATV	21345	200.8
lost to ATV IX only	21395	204.8
lost to all IX	23244	281.1

Finished Sat Apr 21 13:58:13; run time 0:09:13

31003 calls to Longley-Rice; path distance increment 1.00 km

Exhibit FLR-2-NEW
Richland Center, WI 59
April 21, 2001

Fortran Longley-Rice Interference Study
by WES, Inc. Broadcast Consultants

Study without Richland Center Channel 59:

Run begins Sat Apr 21 13:26:26 2001, host shiloah

Analysis of: 59A WI APPLETON

HAAT 321.0 m, ATV ERP 1000.0 kW

	POPULATION	AREA (sq km)
within Noise Limited Contour	969848	25796.2
not affected by terrain losses	969515	25768.0
lost to NTSC IX	319	24.2
lost to additional IX by ATV	0	0.0
lost to ATV IX only	49	4.0
lost to all IX	319	24.2

Finished Sat Apr 21 13:31:30; run time 0:04:47

16198 calls to Longley-Rice; path distance increment 1.00 km

Study with Richland Center included with an ACI Custom Peanut
Pattern oriented at 135 degrees and 5,000 kW:

Run begins Sat Apr 21 13:02:19 2001, host shiloah

Analysis of: 59A WI APPLETON

HAAT 321.0 m, ATV ERP 1000.0 kW

	POPULATION	AREA (sq km)
within Noise Limited Contour	969848	25796.2
not affected by terrain losses	969515	25768.0
lost to NTSC IX	2226	108.8
lost to additional IX by ATV	0	0.0
lost to ATV IX only	49	4.0
lost to all IX	2226	108.8

Finished Sat Apr 21 13:09:12; run time 0:06:35

22423 calls to Longley-Rice; path distance increment 1.00 km

Exhibit FLR-3-NEW
Richland Center, WI 59
April 21, 2001

Fortran Longley-Rice Interference Study
by WES, Inc. Broadcast Consultants

Study without Richland Center Channel 59:

Run begins Sat Apr 21 13:34:18 2001, host shiloah

Analysis of: 59A IA AMES

HAAT 616.0 m, ATV ERP 1000.0 kW

	POPULATION	AREA (sq km)
within Noise Limited Contour	910849	43419.4
not affected by terrain losses	908336	43069.9
lost to NTSC IX	30	8.0
lost to additional IX by ATV	0	0.0
lost to ATV IX only	0	0.0
lost to all IX	30	8.0

Finished Sat Apr 21 13:37:25; run time 0:02:54

12161 calls to Longley-Rice; path distance increment 1.00 km

Study with Richland Center included with an ACI Custom Peanut
Pattern oriented at 135 degrees and 5,000 kW:

Run begins Sat Apr 21 13:39:20 2001, host shiloah

Analysis of: 59A IA AMES

HAAT 616.0 m, ATV ERP 1000.0 kW

	POPULATION	AREA (sq km)
within Noise Limited Contour	910849	43419.4
not affected by terrain losses	908336	43069.9
lost to NTSC IX	92	20.1
lost to additional IX by ATV	0	0.0
lost to ATV IX only	0	0.0
lost to all IX	92	20.1

Finished Sat Apr 21 13:43:09; run time 0:03:33

14187 calls to Longley-Rice; path distance increment 1.00 km

CERTIFICATE OF SERVICE

I, Dean R. Brenner, do hereby certify that a true and correct copy of the foregoing Petition for Leave to Amend Petition for Rule Making was served by hand this 8th day of May 2001, to:

Nazifa Naim
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Gordon Godfrey
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

John Morgan
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554



Dean R. Brenner

F:\Clients\FANT\richland center amendment.wpd

APPENDIX B

Engineering Statement of Pete Myrl Warren, III

APPENDIX B

Engineering Statement of Pete Myrl Warren, III

WES, INC.
32 Cielo Vista
Anthony, NM 88021

505-589-2224

November 15, 2001

ENGINEERING STATEMENT TO SUPPORT
TO PETITION FOR RECONSIDERATION FOR RICHLAND CENTER,
WI CHANNEL 53

Wes, Inc.

DECLARATION

I, Pete E Myrl Warren, III, declare and state that I am a Certified Broadcast Engineer, by the National Association of Radio and Telecommunications Engineers, and my qualifications are a matter of record with the Federal Communications Commission, and that I am an engineer in the firm of Wes, Inc., and that the firm has been retained to prepare an engineering statement on behalf of Fant Broadcasting Development, L.L.C.

All facts contained herein are true to my knowledge except where stated to be on information or belief, and as to those facts, I believe them to be true. All Exhibits were prepared by me or under my supervision. I declare under penalty of perjury that the foregoing is true and correct.



Pete E Myrl Warren, III

Executed on the 15th day of November, 2001

Narrative Statement

I. GENERAL

This engineering statement has been prepared on behalf of Fant Broadcast Development, L.L.C. ("Fant") in support of a proposal to substitute Channel 53 for the existing Channel 45 allotment at Richland Center, Wisconsin.

II. ENGINEERING DISCUSSION

Fant filed an application for a construction permit to operate a new NTSC station on Channel 45 at Richland Center in July 1996 (File No. BPCT-19960722KN). In a Petition for Rulemaking filed July 11, 2000 ("Petition"), Fant sought to substitute Channel 59 for the existing Channel 45 allotment at Richland Center due to the allotment of DTV Channel 44 at Fond du lac, Wisconsin, which would receive interference from Fant's proposed operation on Channel 45. Pursuant to the FCC's determination to suspend processing of all Channel 59 NTSC proposals, Fant now seeks to amend its pending rulemaking petition to substitute Channel 53 for the existing Channel 45 allotment at Richland Center.

The proposed Channel 53 facility at Richland Center can operate from the same transmitter site specified in its pending Petition with the same effective radiated power and radiation center above mean sea level as specified in that Petition. This can be accomplished by changing to a negative offset and rotating the current pattern from 135 degrees to 122 degrees.

As shown in the attached Exhibit SP-1, the proposed allotment of Channel 53 at Richland Center is short-spaced to (i) Station WMMF-TV, Channel 68 (analog), Fond du lac, Wisconsin, by 11.2 km, and (ii) a pending application for a new NTSC station to operate on Channel 53 at Galesburg, Illinois (File No. BPCT-19951215KK) by 13.8 km. The proposed Channel 53 facility at Richland Center would operate 15 channels below Station WMMF-TV Channel 68 at Fond du lac. Interference can only occur to a minus 15 channel, any interference predicted between channel 68 and channel 53 would only occur to channel 53. In this case, the proposed Channel 53 facility at Richland Center is not predicted to cause any interference to WMMF-TV, nor is it predicted to receive interference from the Channel 68 station. As demonstrated in the attached Exhibit FLR-1, the proposed Channel 53 facility at Richland Center is not predicted to cause any interference to the pending application for a new NTSC station to operate on Channel 53 at Galesburg, Illinois.

The proposed allotment of Channel 53 at Richland Center is not short-spaced to any other NTSC, DTV, or Class A station.

Exhibit Sp-1
Richland Center, WI Channel 53
Petition for Reconsideration Spacing Study
by Wes, Inc. Broadcast consultants

Callsign	City	Class	Status	ERP	Sep T	Status	Dist	Prot	Clearanc	D/U	Rx Ga	Rx F/	Zone	Band	Ch#	Adj	Matrix	Svc Conto	Svc Strength
960220KF	MARSHFIELD	NTSC	APP	3720	D/M	N/C	165.9	96	69.9	-25	0	6	2 UHF	39 -	T-14	LR	F(50,50)		64
KCRG-DT	CEDAR RAPID	DTV	CP	1000	D/M	N/C	201.4	106	95.4	-49	10	14	2 UHF	52 A-1	LR	F(50,90)		41	
KCRG-TV*	CEDAR RAPID	DTV	USED A	1000	D/M	N/C	201.4	106	95.4	-49	10	14	2 UHF	52 A-1	LR	F(50,90)		41	
NEW	GALESBURG	NTSC	LIC	4800	D/M	Clear	235.2	249	-13.8	28	0	6	1 UHF	53 Z	Co	LR	F(50,50)		64
NEW	GREEN BAY	NTSC	LIC	2000	D/M	N/C	194.3	32	162.3	-33	0	6	1 UHF	50 +	T-3	LR	F(50,50)		64
WCFN	SPRINGFIELD	DTV	CP	1000	D/M	N/C	401.7	194	207.7	2	10	14	1 UHF	53 Co	LR	F(50,90)		41	
WCFN*	SPRINGFIELD	DTV	USED A	50	D/M	N/C	401.7	194	207.7	2	10	14	1 UHF	53 Co	LR	F(50,90)		41	
WCFN*	SPRINGFIELD	DTV	USED A	50	D/M	N/C	401.7	194	207.7	2	10	14	1 UHF	53 Co	LR	F(50,90)		41	
WFXS	WITTENBERG	NTSC	LIC	5000	D/M	N/C	187.6	32	155.6	-29	0	6	2 UHF	55 Z	T+2	LR	F(50,50)		64
WFXS	WITTENBERG	NTSC	CP MO	5000	D/M	N/C	187.6	32	155.6	-29	0	6	2 UHF	55 Z	T+2	LR	F(50,50)		64
WGBO-DT	JOLIET	DTV	CP	180	D/M	N/C	247.9	194	53.9	2	10	14	1 UHF	53 Co	LR	F(50,90)		41	
WGBO-TV*	JOLIET	DTV	USED A	134.4	D/M	N/C	247.9	194	53.9	2	10	14	1 UHF	53 Co	LR	F(50,90)		41	
WHPN-TV	JANESVILLE	NTSC	CP MO	5000	D	Clear	90.5	32	58.5	-	-	-	1 UHF	57 +	T+4	LR	-	-	
WJJA	RACINE	NTSC	LIC	2690	D/M	N/C	175.1	32	143.1	-23	0	6	1 UHF	49 +	T-4	LR	F(50,50)		64
WJJA	RACINE	NTSC	CP	5000	D/M	N/C	163.3	32	131.3	-23	0	6	1 UHF	49 +	T-4	LR	F(50,50)		64
WMMF-TV	FOND DU LAC	NTSC	LIC	35	D	Clear	130.7	120	10.7	-	-	-	1 UHF	68 Z	T+15	LR	-	-	
WMMF-TV	FOND DU LAC	NTSC	CP	5000	D	Clear	108.8	120	-11.2	-	-	-	2 UHF	68 Z	T+15	LR	-	-	
WPNE	GREEN BAY	NTSC	CP	1070	D/M	N/C	187.6	120	67.6	-9	0	6	2 UHF	38 Z	T-15	LR	F(50,50)		64
WPNE	GREEN BAY	NTSC	APP	1070	D/M	N/C	187.6	120	67.6	-9	0	6	2 UHF	38 Z	T-15	LR	F(50,50)		64
WPNE	GREEN BAY	NTSC	LIC	1070	D/M	N/C	187.6	120	67.6	-9	0	6	2 UHF	38 Z	T-15	LR	F(50,50)		64
WPXE	KENOSHA	NTSC	LIC	5000	D/M	N/C	170.1	32	138.1	-29	0	6	1 UHF	55 -	T+2	LR	F(50,50)		64
WQRF-TV	ROCKFORD	NTSC	LIC	1050	D/M	N/C	135.6	96	39.6	-25	0	6	1 UHF	39 Z	T-14	LR	F(50,50)		64
WREX-DT	ROCKFORD	DTV	CP	1000	D/M	N/C	132.4	106	26.4	-48	10	14	1 UHF	54 A+1	LR	F(50,90)		41	
WREX-TV*	ROCKFORD	DTV	USED A	1000	D/M	N/C	132.4	106	26.4	-48	10	14	1 UHF	54 A+1	LR	F(50,90)		41	
WTPX	ANTIGO	NTSC	CP MO	3090	D/M	N/C	188.3	96	92.3	-33	0	6	2 UHF	46 Z	T-7	LR	F(50,50)		64
WWRS-TV	MAYVILLE	NTSC	LIC	10	D/M	N/C	108.8	88	20.8	-13	0	6	1 UHF	52 Z	A-1	LR	F(50,50)		64
WWRS-TV	MAYVILLE	NTSC	APP	41	D/M	N/C	108.8	88	20.8	-13	0	6	1 UHF	52 Z	A-1	LR	F(50,50)		64
WWRS-TV	MAYVILLE	NTSC	CP MO	5000	D/M	N/C	108.8	88	20.8	-13	0	6	1 UHF	52 Z	A-1	LR	F(50,50)		64

Exhibit FLR-1
 Richland Center, WI Ch 53
 Petition for Reconsideration
 prepared by Wes, Inc. Broadcast Consultants

Ch 53 N LAT 43-23-40 W LON 89-52-20 ERP: 5000 kW AGL:170m GAMSL:444m RCAMSL:614m

Callsign	City	Class	Status	ERP	Sep Type	Status	Dist	Prot	Clearance	D/U	Rx Gain	Rx F/B	Zone	Band	Ch#	Adj	Matrix	Svc Contour	Svc Strength
NEW	GALESBURG	NTSC	LIC	4800	D/M	Clean	235	249	-13.8	28	0	6	1	UHF	53	Z Co	LR	F(50,50)	64

Population before the addition of Ch 53 to the database not affected by terrain losses: 610,347 persons
 Population lost to NTSC before the addition of Ch 53: 2,621 persons
 Population after the loss to NTSC: 607,726 persons
 Population after the addition of Ch 53 to the database: 607,726 persons
 Population lost to NTSC with Ch 53: 0 persons
 Percentage of population lost with Ch 53: 0 %

CERTIFICATE OF SERVICE

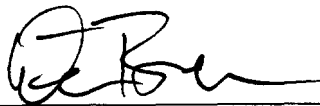
I, Dean R. Brenner, do hereby certify that a true and correct copy of the foregoing
“Petition for Reconsideration” was served by U.S. mail this 20th day of November, 2001 to:

Barbara A. Kreisman, Chief
Video Services Division
Mass Media Bureau
Federal Communications Commission
The Portals II, Room 2-A666
445 Twelfth Street, S.W.
Washington, DC 20554

Clay Pendarvis, Chief
Television Branch
Video Services Division
Mass Media Bureau
Federal Communications Commission
The Portals II, Room 2-A662
445 Twelfth Street, S.W.
Washington, DC 20554

Nazifa Naim
Television Branch
Video Services Division
Mass Media Bureau
Federal Communications Commission
The Portals II, Room 2-C834
445 Twelfth Street, S.W.
Washington, DC 20554

Gordon Godfrey
Video Services Division
Mass Media Bureau
Federal Communications Commission
The Portals II, Room 2-C120
445 Twelfth Street, S.W.
Washington, DC 20554



Dean R. Brenner